

1 And while the quoted passage might make
2 criminals who've been avoiding accountability
3 somewhat nervous, it doesn't in any way pledge or
4 promise any conduct that would not be faithful or
5 impartial to performance of the duties.

6 THE CHAIR: Excuse me. I don't want
7 to interrupt you, but we've got Mr. McMillan
8 outside, and some of the panel may have some
9 questions. So if we can perhaps move it along.

10 MR. KINSEY: Okay. Well, I thought we
11 were going to get an hour. And I know we started
12 about a quarter after --

13 THE CHAIR: Well, I know. I just
14 didn't want to cut short the opportunity of the
15 commission to ask questions.

16 MR. KINSEY: Well, I appreciate it.

17 THE CHAIR: And I don't mean to cut
18 you off. I just wanted to advise you.

19 MR. KINSEY: I've been nicely cut off, and
20 I appreciate it. Why don't I try to move through
21 them rapidly.

22 One of the things that concerned a lot of
23 the defense lawyers -- and I bring this up because I
24 heard it -- was the fact that a number of cases
25 involving defendants who had not yet come to trial

1 were publicized; one being the Johnson case, the
2 other being the Alsdorph case. Those were brought
3 up because they were very indicative of the way
4 Judge Green was doing or not doing his job.

5 Both of them involved people charged with
6 very serious felonies. Both of them had been
7 ordered held under no bond by circuit judges, and
8 yet Judge Green in both cases -- and Alsdorph was
9 one where the defendant was charged with a life
10 felony capital on sexual battery on a child under
11 the age of 12. Judge Green in both of those
12 admitted the defendants to bond.

13 The Johnson case, in many ways, was very
14 egregious: a man who had a previous conviction for
15 manslaughter in Mississippi, who was under the
16 restraint of the domestic violence injunction, went
17 to his wife's home in the middle of the night, taped
18 a window, cut the phone lines. Fortunately, the
19 lady woke up when he broke the window; even though
20 it was taped, some of the glass hit the counter.

21 She began yelling. She tried to flash the
22 lights to signal a neighbor. He unscrewed the light
23 from the porch, broke down the front door -- you
24 would have expected him to run once he knew that
25 he'd been discovered -- broke down the front door,

1 came in and grabbed her, dragged her outside, was
2 trying to choke her.

3 The police came. They found a length of
4 duct tape that he had torn off and attached to the
5 house so he could either gag her or bind her hands.

6 The case was taken to the judge. The
7 judge -- I forget which circuit judge it was --
8 issued no bond warrant. He was picked up. Judge
9 Green reduce the bond to \$10,000, and the man was
10 out.

11 Fortunately, the case came to Pat. She
12 looked at it at intake, basically spent all day with
13 it, worked up a Motion For Pretrial Detention,
14 actually got the custodial staff to let her into
15 Judge Tarbuck's office so she could slip it under
16 his chambers door so he would see it the first thing
17 the next morning. And the man was taken into
18 custody.

19 Now, there was one mistake in the
20 brochure. The brochure, when it was put together --
21 and if you've been in campaigns, you understand
22 things happen very rapidly -- and the people putting
23 it together said the quote "I'll bury you like I
24 buried that bitch in Mississippi" came from a
25 restraining order, and it didn't. It came from an

1 interview that Pat had with the lady, as well as the
2 lady's testimony during bond hearing, but she did
3 not use the "B" word during the hearing.

4 The Alsdorph case, a case where Circuit
5 Judge Nancy Gilliam issued a no-bond warrant for the
6 man charged with sexual battery on the stepdaughter
7 under the age of 12. He was arrested, saw Judge
8 Green for first appearance. In spite of the fact
9 that the circuit judge had set the bond, in spite of
10 the fact that this was a life felony, Judge Green
11 said, "Well, obviously, he is entitled to bond,"
12 asked the defense lawyer what kind of bond he can
13 make. And the defense lawyer, obviously wanting to
14 protect his fee, used the term, "Well, Judge, I
15 don't want to spend his assets too much." And Judge
16 Green set a \$10,000 bond for this man.

17 Fortunately, one of the court security
18 officers had the initiative to call the case
19 investigator and say, "You won't believe what
20 happened this morning."

21 The case investigator goes to the state
22 attorney's office. A Motion for PreTrial Detention
23 is presented. And Judge Laura Melvin revoked the
24 bond.

25 At this point, neither Alsdorph nor

1 Johnson have come to trial.

2 JUDGE FREEMAN: Can I just interrupt you?

3 MR. KINSEY: Yeah.

4 JUDGE FREEMAN: Does the state attorney
5 appear in first appearances?

6 MR. KINSEY: Misdemeanor, yeah.

7 Misdemeanor attorney does. And they objected to the
8 bond. Both Alsdorph and --

9 JUDGE KANEY: On what basis?

10 MR. KINSEY: Pardon me?

11 JUDGE KANEY: On what basis, other than
12 it's office policy to object to bond?

13 MR. KINSEY: I think the seriousness of
14 the offense in this case. Now, I may be wrong, but
15 it was my understanding that a life felony does not
16 carry an automatic right to bond.

17 JUDGE KANEY: Well, I'd have to look it
18 up.

19 MR. KINSEY: But regardless --

20 MR. NACHWALTER: I thought only capital
21 cases, but I'm not a criminal lawyer. I thought
22 only capital cases. I thought you have a right to
23 bond under the Constitution.

24 JUDGE FREEMAN: A misdemeanor domestic
25 assault generates a no-bond, but not until first

1 appearance, yeah.

2 MR. KINSEY: Yeah, I don't want to pull
3 the book out. But I think, number one, that sexual
4 battery on a child under the age of 11 is a capital
5 case but not punishable by death, obviously. But I
6 think it's a life or capital felony unless the proof
7 is evident, presumption not great.

8 MR. NACHWALTER: Mr. Kinsey, let me ask
9 you a question, if I could. We usually like to ask
10 some questions.

11 MR. KINSEY: Okay.

12 MR. NACHWALTER: And we do have a limited
13 time. We don't want to cut you off. But, on the
14 other hand, I have some questions I'd like to ask.
15 And there may be other members of this commission
16 that have questions, and I think in asking our
17 questions we may get into some of the substance of
18 these.

19 MR. KINSEY: All right.

20 MR. NACHWALTER: But in fairness to the
21 other people who are here today, without trying to
22 cut you off, I just wanted to let you know where
23 we're coming from. I think it's important --

24 MR. KINSEY: Well, why don't we take
25 questions, then?

1 JUDGE FREEMAN: Probably he wants to go
2 over the couple and their son case.

3 THE CHAIR: That's Alsdorph's.

4 JUDGE KINSEY: No, that's the Heller case.

5 THE CHAIR: Oh. Okay.

6 JUDGE FREEMAN: He probably wants to go
7 over that.

8 MR. NACHWALTER: That's fine. If you want
9 to go to a couple of these and say, "Okay, this is
10 what happened, this is what we said," that's fine.
11 But I'm just trying to let you know that, you know,
12 there is a limited time.

13 MR. KINSEY: Well, obviously -- if Judge
14 Freeman is asking or raising the issue of the Heller
15 case, it's obviously something he has an interest
16 in, and I assume other members of the panel do.

17 If you read the brochure, it is obvious
18 from the brochure that the issue in the Heller case
19 was not what Judge Green did or did not do to Grover
20 Heller. The purpose of the brochure was to examine
21 the way Judge Green treated victims when they came
22 into his court.

23 It's obvious if you read the entire text
24 of the articles that are included in that brochure
25 that Judge Green did revoke the bond. However, he

1 revoked the bond only after offering to put Mr. and
2 Mrs. Heller in the Escambia County Jail. Had he
3 revoked the bond without doing that, had he not
4 revoked the bond without doing that, the Heller case
5 would have played no part in this campaign at all.

6 The thing we were asking people to do with
7 that brochure was to examine the way victims were
8 treated by Judge Green. And you'll notice that in
9 the article he refers to the fact that he has done
10 this on other occasions.

11 JUDGE WOLF: Well, right here -- I'm sorry
12 for interrupting -- it says, "Instead of revoking
13 Grover Heller's bond, he offered to put the elderly
14 parents in jail."

15 MR. KINSEY: Correct.

16 JUDGE WOLF: I thought you just said that
17 you did not represent in there that he did not
18 revoke the bond.

19 MR. KINSEY: The first thing he did was
20 offer to put them in jail. He later revoked the
21 bond, and that's clear from reading the articles
22 that are in there. You know, had he just said,
23 "Well, Mr. and Mrs. Heller, I am not going to revoke
24 your son's bond" or "I am going to revoke your son's
25 bond," that would have been the end of it, and this